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25 UNITED STATES DISTRICT COURT  
26 NORTHERN DISTRICT OF CALIFORNIA  
27 SAN FRANCISCO/OAKLAND DIVISION

28 JASMEN HOLLOWAY, AMY GARCIA,  
CHERYL CHAPPEL, ERIC BLACKSHER,  
JESSICA TREAS, LAWRENCE SANTIAGO,  
JR., MUEMBO MUANZA, MAURICE  
CALHOUN, NICHOLAS DIXON, AND SUSAN  
MYERS-SNYDER, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

BEST BUY CO., INC., and BEST BUY STORES,  
L.P.

Defendants.

Case No. C-05-5056 PJH (MEJ)

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER  
FOR STREAMLINING DISCOVERY AND  
NEW PRODUCTION AND FILING  
DEADLINES**

1           On July 5, 2007, the Court entered the parties' June 29, 2007 proposed stipulation and  
2 order extending the deadline for substantial completion of production to and including July 9, 2007, in  
3 order to give the parties time to attempt to agree on methods for streamlining document production and  
4 discovery and to propose a modified discovery and class certification schedule in light of the massive  
5 and higher-than-expected amount of documents responsive to Plaintiffs' document requests. Due to  
6 the large number of documents that must still be produced by Best Buy, the parties propose continuing  
7 the entire schedule—from document production deadlines to the filing of Plaintiffs' motion for class  
8 certification—by five months. (The mediation scheduled at present for October 16, 2007 will not be  
9 affected.) Having met, conferred, and reached agreement, the parties stipulate as follows:

10           WHEREAS, at the status conference for this case held on April 13, 2006, this Court set  
11 certain dates and deadlines;

12           WHEREAS, Plaintiffs served their First Set of Requests for Production of Documents  
13 on March 23, 2006 and Best Buy, after receiving an extension of time, timely responded on May 25,  
14 2006;

15           WHEREAS, Plaintiffs have continued to serve additional requests for production,  
16 including their Fourth Set of Requests for Production served on September 13, 2006;

17           WHEREAS, due in large part to the volume of documents that must be reviewed and  
18 produced by Best Buy, the parties continued certain of the dates set forth at the April 13, 2006 status  
19 conference by stipulation and order on October 17, 2006;

20           WHEREAS, the parties further continued certain of the dates set forth in the October  
21 17, 2006 stipulation and order by stipulation and order on May 14, 2007;

22           WHEREAS, the May 14, 2007 stipulation and order continued the date by which Best  
23 Buy's production of documents responsive to Plaintiffs' First and Fourth Sets of Requests for  
24 Production was to be substantially complete from April 30, 2007 to June 30, 2007;

25           WHEREAS, the parties informed the Court in the May 14, 2007 stipulation and order  
26 that they would endeavor to adhere to the remainder of the October 17, 2006 scheduling order  
27 regarding completion of 30(b)(6) depositions, the designation and discovery of experts, and the  
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1 briefing and hearing on class certification, but might need to request a continuation of these dates as  
2 well if the volume of documents and/or witness schedules did not permit completion of the 30(6)(b)  
3 depositions by August 2007;

4 WHEREAS, Best Buy represents that it has already reviewed over 62 million pages of  
5 documents and produced almost 8.5 million pages responsive to Plaintiffs' document requests;

6 WHEREAS, Best Buy represents that it has assigned a team of over 60 lawyers and  
7 paralegals to identify, amass, manage, review, and produce responsive paper and electronic documents  
8 from over 750 stores, 57 districts, and 8 territories, and its corporate headquarters going back to  
9 January 1, 2001;

10 WHEREAS, Best Buy represents that over 50 million pages of documents potentially  
11 responsive to Plaintiffs' requests remain to be reviewed;

12 WHEREAS, Best Buy has informed Plaintiffs that, due to the sheer breadth and volume  
13 of documents that must still be reviewed and produced, it will be unable to substantially complete  
14 production of documents responsive to Plaintiffs' First and Fourth Sets of Requests for Production of  
15 Documents by June 30, 2007, as set forth in the May 14, 2007 stipulation and order;

16 WHEREAS, Best Buy has informed Plaintiffs that it will require five additional months  
17 to complete production of responsive documents;

18 WHEREAS, any continuation of Best Buy's deadline for the completion of document  
19 production will necessitate a corresponding continuance of other dates set forth in the October 17,  
20 2006 and May 14, 2007 stipulations and orders, including the deadlines for Plaintiffs' motion to seek  
21 leave to amend the complaint, the service of expert reports, and the filing of Plaintiffs' class  
22 certification brief;

23 WHEREAS, on June 27, 2007, the Court signed the parties' stipulation continuing the  
24 mediation in this case from June 20-21, 2007 to October 16, 2007;

25 WHEREAS, the parties intend to complete as much discovery as possible prior to the  
26 October mediation date so that the mediation session can be productive;

27 WHEREAS, the parties have met, conferred, and reached agreement as to methods for  
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streamlining the remaining discovery so as to move the case forward expeditiously and be prepared for the October 2007 mediation;

WHEREAS, the parties have also reached agreement on the procedures for streamlining the remaining discovery, as well as on the time period needed for Best Buy to complete its document production and the corresponding continuance of dates that are contingent on Best Buy's completion of document production, including the deadlines for Plaintiffs' motion to seek leave to amend the complaint, service of expert reports, and Plaintiffs' motion for class certification.

THEREFORE, the parties hereby stipulate and agree, and request that the Court order, that:

1. The parties make best efforts to follow the following procedures in order to streamline discovery:
  - a. Best Buy shall produce documents in response to discovery on a rolling basis at least once a week at an even rate such that the bulk of production does not occur during the last month of the production period;
  - b. For each document produced, Best Buy shall either identify the discovery request to which the document is responsive or, when such information is ascertainable, provide the name of the actual custodian and the file/folder name in which the document was maintained in the normal course of business;
  - c. Best Buy shall produce documents related to a Rule 30(b)(6) deposition at least four weeks before the confirmed date of such deposition.
2. The parties make best efforts to follow the following procedures in order to make the October 16, 2007 mediation productive:
  - a. The parties shall streamline the production of electronic application data and documents from the third party Unicru, and Plaintiffs and Best Buy shall receive the Unicru data and documents no later than September 4, 2007, either by subpoena or by agreement by Unicru.

- b. Best Buy shall update through June 30, 2007 its production of Oracle payroll data no later than August 15, 2007.
3. The June 30, 2007 deadline for Best Buy to substantially complete production of documents responsive to Plaintiffs' First and Fourth Sets of Request for Production of Documents be extended to November 30, 2007.
4. The August 31, 2007 deadline for Best Buy to make witnesses available for Rule 30(b)(6) depositions be extended to January 31, 2008. Best Buy shall make witnesses available for the following deposition topics no later than September 7, 2007: Compensation, Promotions, Hiring and Initial Job Assignments, Job Opening System ("JOS"), and Segmentation.
5. The August 13, 2007 deadline for Plaintiffs to file any motion seeking leave to amend the complaint for any reason other than the addition of new named plaintiffs be extended to January 31, 2008.
6. The October 1, 2007 deadline for Plaintiffs' Expert Designations and Reports be extended to March 3, 2008.
7. The December 3, 2007 deadline for Defendants' Expert Designations and Reports be extended to May 1, 2008.
8. The January 14, 2008 deadline for Plaintiffs' Rebuttal Expert Reports be extended to June 2, 2008.
9. The February 15, 2008 deadline for Defendants Rebuttal Expert Reports be extended to July 2, 2008.
10. The March 12, 2008 deadline for Plaintiffs' Motion for Class Certification be extended to July 30, 2008.
11. The May 7, 2008 deadline for Defendants' Opposition to Plaintiffs' Motion for Class Certification be extended to September 24, 2008.
12. The June 4, 2008 deadline for Plaintiffs' Reply Brief in Support of Class Certification be extended to October 22, 2008.

13. The June 25, 2008 date for the hearing on Plaintiffs' Motion for Class Certification be continued until November 12, 2008 or such date as the Court finds convenient.

The parties hereby stipulate, and request that the Court so order.

DATED: July 9, 2007

LEWIS, FEINBERG, LEE, RENAKER  
& JACKSON, P.C.

By: /s/ Bill Lann Lee

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and BEST BUY STORES, L.P.

**[PROPOSED] ORDER**

Pursuant to Stipulation, it is so ORDERED, THIS IS THE FINAL CONTINUANCE  
PRE-CLASS CERTIFICATION.

DATED: 7/12/07

PHYLLIS J. HAMILTON,  
United States District Judge

**ATTESTATION**

I hereby certify that for all conformed signatures indicated by  
signatures on file.



DATED: July 9, 2007

By: /s/  
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